

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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3801 BEACH CHANNEL, INC., et al.,

Plaintiffs,

- against -

ORDER

CV 05-0207 (CBA) (JO)

YAKOV SHVARTZMAN, et al.,

Defendants.

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JAMES ORENSTEIN, Magistrate Judge:

According to a letter dated August 3, 2006, counsel of record for both plaintiffs, Marvin E. Kramer ("Kramer"), has died, and his law office has closed. Docket Entry ("DE") 26 (the "Letter"). As a result of Kramer's death, it appears that neither plaintiff is now represented by counsel. In a letter dated September 8, 2006, Plaintiff Yevgeniy Yezerskiy requested an extension of time for the status conference originally scheduled for September 20, 2006. DE 30. I grant his application, and order that the status conference previously scheduled for September 20, 2006 be rescheduled for October 5, 2006, at 9:30 a.m. There will be no further extensions of time absent extraordinary circumstances.

Plaintiff 3801 Beach Channel, Inc., as a corporate entity, may not participate in these proceedings without such representation. *Pridgen v. Andersen*, 113 F.3d 391 (2d Cir. 1997); *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20 (2d Cir. 1983). It must therefore engage new counsel in order to continue to press its claims for relief against the defendants. If new counsel does not appear at the next conference, I will recommend that the claims of the corporate plaintiff be dismissed for failure to prosecute. Plaintiff Yevgeniy Yezerskiy, as a natural person, may represent himself or engage new counsel, but must appear either in person or through

counsel at the next conference or I will recommend dismissal of his claims for failure to prosecute.

Any new counsel representing either plaintiff must file a notice of appearance no later than September 28, 2006 and arrange to receive electronic notice of all filings in this case via the court's ECF docketing system. In addition, any new counsel representing either plaintiff (or Mr. Yezerskiy personally, if he represents himself), must confer with the defendants' counsel in advance of the conference. I will expect both sides to be in a position to report on the status of the case at the next conference.

I direct counsel for the defendants to immediately serve this order on each plaintiff, and to file a certificate attesting to such service no later than September 25, 2006. I further direct counsel for the defendants to provide a copy of this order to (a) the attorney representing Kramer's estate, and (b) the law firm formed by Kramer's former employees, contact information for each of which is set forth in the Letter. In the interest of assuring that each plaintiff is apprised of this order, I respectfully request each of the attorneys receiving this order from the defendants' counsel to make his or her best efforts to locate the plaintiffs and notify them of its contents as soon as possible.

SO ORDERED.

Dated: Brooklyn, New York
September 18, 2006

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge